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**UNITED STATES DEPARTMENT OF TRANSPORTATION  
BUREAU OF TRANSPORTATION STATISTICS  
MOTOR CARRIER INFORMATION PROGRAM**

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DEPT. OF TRANSPORTATION  
DOCKETS

In the matter of Trans American Trucking Service, Inc.  
Docket No. MC- 149576

**PETITION UNDER 49 C.F.R. § 1420.8 FOR AN EXEMPTION  
FROM FILING REPORTS AND IN THE ALTERNATIVE REQUEST FOR  
EXEMPTION FROM PUBLIC RELEASE PURSUANT TO 49 C.F.R. § 1420.9**

Trans American Trucking Service, Inc., a motor carrier licensed by the Federal Highway Administration under docket no. MC-149576, with principal business address of 115 St. Nicholas Avenue, South Plainfield, New Jersey 07080- 1893, submits this Petition for an exemption from the need to file reports called for by part 1420 of 49 C.F.R., and in the alternative, for an exemption from public release of the data contained in such reports.

**INTRODUCTION**

Trans American Trucking Service, Inc., ("Trans American") is a privately owned Sub-Chapter S corporation motor carrier engaged in a highly specialized form of motor carrier transportation. 80% of Trans American's business is the transportation of overweight and/or over dimensional shipments. Virtually all of Trans American's owned equipment is specialized so as to allow for the transportation of freight weighing upwards

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of 100,000 lbs. and which is generally both over length and over width. This part of Trans American's business requires the obtaining of special highway permits to perform its transportation, and many of its shipments require either privately-engaged or police-provided escort services.

Trans American belongs to Specialized Carrier and Rigging Association (SCRA), an independent conference of American Trucking Associations. According to statistics kept by SCRA, there are 546 carriers engaged in the type of transportation just described, and in 34 countries around the world. Perhaps three-quarters, or approximately 400 carriers engage in this type of transportation activity in the United States. There are approximately 200,000 licensed motor carriers in the U.S., according to FHWA statistics.

Trans American is, therefore, one of an extraordinarily few and highly competitive carriers engaged in this very specialized form of transportation.

### **SUBMISSION IN SUPPORT OF PETITION FOR EXEMPTION**

It is the position of Trans American that disclosure of the information called for by Form M would be likely to cause substantial harm to its competitive position. Therefore, Trans American bases its petition on Section 1420.8(b)(1) of the regulations.

In support of this request, Trans American submits the following information, in accordance with Section 1420.9(c) of the regulations.

1. The financial and statistical information called for by Form M is privileged.

Trans American is a Sub-Chapter S corporation and is not subject to the reporting requirements of the Securities and Exchange Commission, or any other regulatory body, except for BTS.

2. The financial and transportation activity information of Trans American is restricted within the corporation, and to our knowledge such information is not disclosed to, nor is it available for disclosure to, any persons other than those identified in paragraph 3. This financial, statistical, and carrier data is accessed within our company only on a need-to-know basis. Only the corporation's president, vice president, general manager, and controller have access to all of this information. All computer files of Trans American are password-protected, and any printed material considered sensitive is kept in secure locked files when not in use.

3. The information required to be disclosed as part of Form M is currently disclosed only to Trans American's accountants, its bank, its insurance

agent, and those institutions that provide financing for the purchase of equipment by Trans American. All of these entities are bound by confidentiality agreements, and to the best of Trans American's knowledge this confidentiality has not been compromised or breached by any of these entities.

4. Disclosure of the information called for by Form M will be **competitively** harmful to Trans American. Over the past ten years, Trans American has become a major competitive factor in this very specialized field of overweight and over dimensional freight transportation. Thus, nearly all of the thousands of carriers licensed to perform for-hire services and which are required to report, do not compete with Trans American. However, disclosure of financial and statistical information contained in Form M to those very, very few carriers with which Trans American does compete could be disastrous to our competitive position. For example, most of the type of freight transportation in which Trans American engages is secured through a bidding process. Knowledge by our competitors of the type of information contained in Form M would better enable such competitors to determine the basis for our bids and to improve their ability to bid against Trans American. Because of the specialized nature of the transportation

services performed, knowledge of the number of shipments handled, revenue per mile, weight per load, miles per load, cost per load, average truck pay, and percent of profit would make it easier for competitors engaged in the same transportation niche to bid against Trans American. Similarly, release of information regarding the number of specialized pieces of equipment operated by Trans American would allow competitors to know Trans American's equipment availability for the number of outstanding bids submitted. Information concerning driver turnover would likewise pose competitive harm. As can be appreciated, the type of transportation in which Trans American engages requires a very high degree of training for drivers. Information with respect to turnover would allow competitors to use the driver training experience issue in soliciting business from customers of Trans American. The same competitive harm would be caused by release of information regarding the amount spent for the specialized equipment and its turnover, again giving competitors an advantage of having better information concerning Trans American's capabilities at any given time and for the purpose of competing with Trans American for this type of traffic.

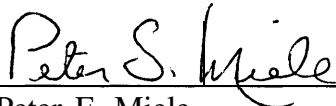
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## CONCLUSION

Because of the narrow scope of the freight business in which Trans American engages, statistics relating to this type of activity would be of limited, if any benefit, to the Bureau of Transportation Statistics. Carriers such as Trans American are unlike virtually all other carriers engaged in freight transportation in the United States. While the availability of disclosure of this information would be highly useful to competitors of Trans American, Trans American cannot envision any valid use to be made of it by the Bureau. In fact, such information appears to be so anomalous to the freight transportation industry in general, that it would likely be considered for removal in the compilation of any statistical report regarding the freight transportation industry.

WHEREFORE, it is requested that Trans American Trucking Service, Inc., be granted an exemption from the need to file Form M at all, or in alternative, that an exemption be extended to it so as to preclude public release of the report filed.

Respectfully Submitted,  
Trans American Trucking Service, Inc.

  
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Peter F. Miele  
Controller